

FRAMEWORKS ANALYSIS: BREAKDOWN OF AREAS OF EU LAW THAT INTERSECT WITH DEVOLVED COMPETENCE IN SCOTLAND, WALES AND NORTHERN IRELAND

This is a working document, designed to inform engagement between officials in the UK, Scottish and Welsh Governments and the civil service in Northern Ireland. It sets out the UK Government's provisional assessment of areas of EU law that intersect with devolved competence in each devolved administration. It is possible that the policy positions set out in this document will change following further analysis, including on the UK internal market, and as conversations between the UK and devolved governments continue. As the devolution settlements are asymmetrical, a different range of powers is relevant to Scotland, Wales and Northern Ireland. The policy areas in question are broken down as follows:

1. 49 policy areas where no further action is required;
2. 82 policy areas where non-legislative common frameworks may be required; and
3. 24 policy areas that are subject to more detailed discussion to explore whether legislative common framework arrangements might be needed, in whole or in part.¹

In some instances, the devolution intersect will require more detailed discussion and may include a mixture of reserved and devolved competence, including where technical standards that derive from EU law are relevant. These policy areas are marked with an asterisk. The analysis also includes 12 policy areas that the UK Government believes are reserved (or excepted in the Northern Ireland Act 1998), but are subject to ongoing discussion with the devolved administrations.

All positions are set out without prejudice to the outcome of negotiations with the European Union. They are also subject to the need to find practical solutions that recognise the unique economic, social and political context of the land border between Northern Ireland and Ireland; frameworks will adhere to the Belfast Agreement.

¹ In total, 153 individual policy areas sit within these categories. Two policy areas appear in the analysis twice, in different categories, depending on the devolution intersect in question. These are 'High efficiency cogeneration/Combined Heat and Power (CHP)' and 'Rail Franchising Rules'.

49 policy areas where no further action is required

Responsible UK Government Department	Area of EU Law	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
DfT	Airport charges	x			Relating to Directive 2009/12/EC on airport charges.
DfT	Aviation - compensating PSO air routes		x	x	Relating to regulation (EC) 1008/2008 on the Operation of Air Services (Articles 16-18).
DfT	Aviation - groundhandling at airports	x			Relating to Directive 96/67/EC on access to the groundhandling market at Community airports.
DfT	Aviation noise management at airports	x*			Regulation 598/2014, establishing rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach.
BEIS	Carbon capture and storage	x	x	x	Directive 2009/31/EC on the geological storage of CO2 establishes a legal framework for the environmentally safe geological storage of CO2 to contribute to the fight against climate change.
BEIS	Consumer law including protection and enforcement	x			A body of law providing rights and protections for consumers consisting of principles based, enforcement and sector specific legislation, including Unfair Contract Terms (93/13/EC), Consumer Rights (2011/83/EC), Unfair Commercial Practices (2005/29/EC) and a cross-border Consumer Protection Cooperation Regulation (EC 2006/2004).
HSE	Control of major accident hazards	x*	x*	x*	Seveso III Directive on the control of major accident hazards involving dangerous substances (2012/18/EU). This place duties on businesses using dangerous substances to take measures to prevent major accidents to people and the environment. This mainly applies to the chemical manufacture sector but covers any business that uses, produces or stores dangerous substances at or above determined thresholds.
DfT	Driver hours and tachographs	x			Regulations around working hours and break requirements for commercial vehicle drivers and requirements for the installation and use of tachograph devices to record driver activities (EU regulations 561/2006 and 165/2014). Also mobile road transport working time rules (Directive 2002/15/EC).
DfT	Electronic road toll systems	x	x	x	Directive 2004/52/EC on interoperability of electronic road toll systems and EU Regulation 219/2009.
BEIS	Elements of employment law	x			Employment law is not an exclusive EU competence but there are a number directives concerning individual and collective rights implemented in UK law, including e.g. Working Time Directive 2003/88/EC, Pregnant Workers Directive 1992/85/EEC.

DWP	Elements of EU social security coordination	x*	x*		This is an area of shared EU competence for devolved benefits. The EU Social Security Coordination Regulations require Member States to ensure that citizens who exercise their right to free movement are not disadvantaged, e.g. by taking into account periods of residence and work and contributions paid in other Member States when considering the entitlement of claimants for UK benefits, including state pensions. The rules also require the UK to export benefits to persons living in another EU Member State in certain circumstances.
DfT	Elements of harbours (marine environment issues)	x	x*	x*	Directive 2011/92 amended by Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment.
MHCLG	Energy Performance of Buildings Directive	x	x	x	The Energy Performance of Buildings Directive (2010/31/EU) aims to improve and make transparent the energy performance of buildings.
MHCLG	Environmental Impact Assessment (EIA) Directive	x	x	x	The Environmental Impact Assessment Directive (85/337/EEC) integrates environmental considerations into the preparation of proposals for development to reduce their impact on the environment. Those proposals that are likely to have a significant impact on the environment, e.g. due to their nature, size or location, are subject to a requirement for development consent and an assessment of those effects before the development is allowed to proceed.
BEIS	Environmental law concerning energy industries	x*	x*	x*	EU legislation contains environmental rules and standards relevant to offshore oil and gas exploration and production, offshore gas unloading and storage, offshore carbon dioxide storage activities.
DEFRA	Environmental quality - flood risk management	x	x	x	Policies and regulations (primarily the EU Floods Directive) that aim to reduce the risks to people, properties and infrastructure from flooding and coastal erosion.
DEFRA	Environmental quality - water quality	x	x	x	Policies and regulations (primarily the EU Water Framework Directive and the EU Drinking Water Directive) that aim to improve the ecological and chemical status of the UK's rivers, lakes, estuaries, coastal waters and groundwater, and provide safe, quality drinking water.
DEFRA	Environmental quality - water resources	x	x	x	Policies and regulations covering the provision of sustainable, safe and affordable water supplies for households, businesses, energy production and agriculture.
DEFRA	Forestry (domestic)	x*	x*	x*	Policies and regulations covering timber production and woodland management, including EU Environmental Impact Assessment.
HSE	Genetically modified micro-organisms contained use (i.e. rules on protection of human health and the environment during the development)	x*	x*	x*	Directive 2009/41/EC on the contained use of genetically modified microorganisms (GMMs) to protect humans and the environment. This relates to work with GMMs in contained facilities, e.g. a research laboratory or biotechnology production facility, to ensure barriers (containment measures) are in place.
BEIS	Heat metering and billing information	x	x*		Energy Efficiency Directive 2012/27/EU sets duties for heat suppliers in respect of installing and maintaining heat metering devices and billing, minimum requirements for billing information. requirements, and determination of cost effectiveness and technical feasibility.

BEIS	High efficiency cogeneration / Combined Heat and Power (CHP) [NB - this appears in category 2 for Scotland]	x*			Measures that promote the use of high-efficiency cogeneration (Combined Heat and Power) in order to increase the energy efficiency and improve the security of supply of energy (Energy Efficiency Directive 2012/27/EU).
DHSC	Implementation of cross-border healthcare rights to treatment and reimbursement	x*	x*	x*	Directive 2011/24/EU on the application of EEA patients' rights in cross-border healthcare sets out the criteria that entitles patients to seek healthcare in another Member State and receive reimbursement for the costs incurred.
BEIS	Internal energy market / Third Energy Package	x			Package of legislation on the development of the internal energy market, particularly cross-border trading.
DEFRA	Land use	x*	x*	x*	Elements of Environmental Impact Assessment Directive and Strategic Environmental Assessment Directive covering rural land use.
DfT	Maritime - public service contracts/obligations, and financial assistance for shipping services which both start and finish within Scotland/to, from and within Wales		x	x	Regulation 3577/92 that applies the principle of freedom to services to provide cabotage maritime transport.
DfT	Maritime – ports services	x	x	x	Regulation 2017/352 that establishes a framework for the provision of port services and common rules on the financial transparency of ports.
DfT	Maritime Employment and Social Rights	x			Directives and Regulations relating to employment, social rights and health and safety for seafarers on ships. These rules cover, inter alia, coordination of social security systems, and the minimum safety and health requirements for improved medical treatment on board vessels.
BEIS	Onshore hydrocarbons licensing	x	x	x	Directive 94/22/EEC sets the conditions for tendering and determining applications for hydrocarbon licenses and imposes restrictions on the terms which may be included in licences and their extension.
DfT	Operator licensing (roads)	x			Regulation (1071/2009) establishing common rules for the licensing of commercial goods and passenger transport operators.
DfT	Passenger rights (rail)	x			Regulation (EC) 1371/2007 setting out rail passengers' rights and obligations.
DWP	Private cross border pensions	x			EU legislation on the operation of the EEA internal market in financial services allows occupational pension schemes based in one country to operate (have members) in another.
DfT	Rail franchising rules [NB - this appears in category 2 for Scotland and Wales]	x			Regulation (EC) 1370/2007 as amended by 2016/2338 relating to the way in which competent authorities are able to award public passenger services contracts.

DfT	Rail markets and operator licensing (governance, structure, track access & charging)	x*			Directive 2012/34/EU, to be amended by Directive 2016/2370/EU (both part of the market pillar of the 4th railway package) which recasts a number of EU Directives and establishes a single European railway area with common rules on: the governance of railway undertakings and infrastructure managers, on infrastructure financing and charging, on conditions of access to railway infrastructure and services and on regulatory oversight of the rail market.
DfT	Rail markets - train driving licenses and other certificates	x			Directives 2007/59/EC and 2014/82/EU on train driver licensing rules, setting out the conditions and procedures for the licensing and certification of train drivers operating in the EU.
DfT	Rail safety	x			Directive 2004/49/EC on safety on the Community's railways and amending Council Directive 95/18/EC (which will be replaced by Directive 2016/798 in June 2019 or 2020 - technical pillar of 4th railway package) along with relevant Regulations and Decisions.
DfT	Rail Workers Rights Directive	x			Directive 2005/47/EC on the agreement between the social partners on working conditions of mobile workers engaged in cross-border rail services, supplementing the Working Time Directive (Directive 1993/104/EC).
BEIS	Renewable Energy Directive	x*	x*		The Renewable Energy Directive (2009/28/EC) establishes a 15% renewable energy target, and a 10% renewable transport energy sub target on the UK. The Directive sets out a number of other measures and frameworks to support the production and promotion of energy from renewable sources.
DfT	Retrofitting of HGV mirrors	x			Directive 2007/38/EC on the retrofitting of mirrors to heavy goods vehicles registered in the Community.
DfT	Roads - Road infrastructure safety management	x	x	x	Directive 2008/96/EC on that supports road infrastructure safety management.
DfT	Roads - use of goods vehicles hired without drivers	x			Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road.
DfT	Roads - charging of HGVs	x*	x*	x*	Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures.
DfT	Roads - coach and bus services	x			Regulation 181/2011 that set out the rights of passengers on bus and coach transport.
DfT	Roadworthiness Directive	x			Rules (directives 2014/45/EC and 2014/47/EC) relating to roadworthiness tests for motor vehicles and their trailers, plus associated inspections.
BEIS	Security of supply (emergency stocks of oil)	x			Directive 2009/119/EC obligates Member States to maintain emergency stocks of crude oil and petroleum products.
DfT	Speed limitation devices	x			Directive 1992/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (amended by Directive 2002/85/EEC)

DCMS	The Rental and Lending Directive (concerning library lending)	x			Directive that gives rightholders the right to allow or to prohibit the rental or lending of their work. The Directive also allows Member States to derogate from the lending right in respect of public lending, provided that the rightholder receives remuneration.
BEIS	Transport of dangerous goods and transportable pressure equipment - Class 7 only	x			Regulation establishes a common regime for all aspects of the transport of radiological (Class 7) dangerous goods, by road, rail, and inland waterway subject to some national derogations. Linked to Euratom legislation Directive 2008/68/EC on the inland transport of dangerous goods.
Cabinet Office	Voting rights and candidacy rules for EU citizens in local government elections		x	x	Article 8b of the Maastricht Treaty sets out the voting rights and candidacy rules for EU citizens in municipal (i.e. local government) elections. Directive 94/80/EC then sets out more detailed arrangements.

82 policy areas where non-legislative common frameworks may be required

Responsible UK Government Department	Area of EU Law	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
DfT	Access for non-UK hauliers and passenger transport operations, plus combined transport	x			Regulations 1072/2009 (for goods vehicles), 1073/2009 (for road passenger transport), and Directive EC 1992/106/EC Directive for Combined Transport (including access). All these rules involve access arrangements for non-UK vehicles and may be affected (and need to be consistent with) international agreements.
DHSC	Blood safety and quality	x	x	x	Directives setting quality and safety standards for the collection, testing, processing, storage and distribution of human blood and blood components; traceability requirements and notification of serious adverse reactions and events; and Community standards and specifications relating to a quality system for Blood Establishments.
MoJ	Civil judicial co-operation - applicable law in contracts and non-contractual obligations	x	x		Rome I Regulation (593/2008) covers applicable law in contracts. Rome II Regulation (864/2007) covers applicable law in noncontractual obligations.
MoJ	Civil judicial co-operation - cross border mediation (Mediation Directive)	x	x		The Mediation Directive (2008/52) facilitates access to alternative dispute resolution and promotes amicable settlement of disputes through the use of mediation in cross-border disputes.
MoJ	Civil judicial co-operation - jurisdiction and recognition and enforcement of judgments in civil and commercial matters	x	x		The Brussels Ia Regulation (1215/2012) covers jurisdiction and recognition and enforcement of judgments and applies between EU Member States. Insolvency Regulation (1346/2000 and 2015/848) covers jurisdictional rules and applicable law and recognition of insolvency proceedings in cross-border insolvencies.
MoJ	Civil judicial co-operation - jurisdiction and recognition and enforcement of judgments: instruments in family law	x	x		The Brussels IIa Regulation (2201/2003) covers jurisdictional rules in matrimonial and parental responsibility matters and the recognition and enforcement of judgments. The Maintenance Regulation (4/2009) covers rules for determining which court has jurisdiction for, and the recognition and enforcement of, maintenance decisions. Regulation on protection measures in civil matters (606/2013) covers recognition and enforcement of protection measures, including for victims of domestic violence.
MoJ	Civil judicial co-operation - legal aid in cross border cases	x	x		The Legal Aid Directive (2002/8) establishes common minimum rules for the grant of legal aid in cross-border disputes.

MoJ	Civil judicial co-operation - service of documents and taking of evidence	x	x		<p>EU Service Regulation (2007/1393) covers rules for serving documents in other EU countries.</p> <p>Taking of Evidence Regulation (2001/1206) covers cross-border processing of requests to take evidence.</p> <p>European Judicial Network in Civil and Commercial Matters (2001/470) facilitates cross-border cooperation for judges and practitioners and access to justice for those involved in disputes.</p>
MoJ	Civil judicial co-operation - uniform fast track procedures for certain civil and commercial claims	x	x		The Small Claims (861/2007 revised by 2015/2421), Enforcement Order (805/2004) and Order for Payment (1896/2006) Regulations facilitate means for obtaining decisions on claims that can be enforced throughout the EU.
HSE	Civil use of explosives	x			Directives setting out the permissions required to transfer, track and trace civil explosives, and rules on the product safety and market surveillance of these.
DHSC	Clinical trials of medicinal products for human use	x			Regulations and Directives on clinical trials on medicinal products for human use.
BEIS	Company law	x			Directives and Regulations covering aspects of the life cycle of a company including company formation; capital & disclosure requirements; cross border mergers; shareholders rights; accounting and reporting; and audit. Regulations setting out the framework for certain EU specific legal entities. Also includes the establishment of branches, subsidiaries and agencies in other Member States, underpinned by Treaty Article 49.
MoJ	Criminal offences minimum standards measures	x	x		The Combating Child Sexual Exploitation Directive (2011/92) establishes common minimum rules concerning the definition of criminal offences and sanctions in the area of sexual abuse and sexual exploitation of children, child pornography and solicitation of children for sexual purposes. It contains provisions aimed at preventing these crimes and protecting victims.
DfT	Driver CPC (certificates of professional competence)	x			Directive 2003/56/EC.
DfT	Driver licensing	x			Driver Licensing Directive (roads) and Directives and regulations relating to driver certificates of professional competence.
BEIS	Efficiency in energy use	x	x	x	The Energy Efficiency Directive (2012/27/EU) sets energy efficiency targets and other requirements to encourage and improve energy efficiency.
DHSC	Elements of the regulation of tobacco and related products	x*	x*		Provision made for print and press advertising and promotion of electronic cigarettes in Directive 2014/40/EU on the approximation of the laws, regulations and administrative provisions of the member states concerning the manufacture, presentation and sale of tobacco and related products. Provision made for print and press advertising, display and promotions in Directive 2003/33/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products.

BEIS	Environmental law concerning energy planning consents	x*		x*	Directives setting out provisions for Environmental Impact Assessments for generation stations and overhead lines (85/337/EEC, 97/11/EC, 2003/35/EC, 2009/31/EC, 2011/92/EU and 2014/52/EU).
DEFRA	Environmental quality - air quality	x	x	x	Policies and regulations that aim to reduce harmful emissions and concentrations of air pollutants that can damage human health and the environment, including in relation to national emission ceilings, ambient air quality, industrial emissions and relevant product standards. This includes regulations that implement international commitments under the UNECE Convention on Long-range Transboundary Air Pollution and Kiev Protocol to the UNECE Aarhus Convention.
DEFRA	Environmental quality - biodiversity - access and benefit sharing of genetic resources (ABS)	x	x	x	Rules set up under the Nagoya Protocol to help preserve biodiversity. The rules regulate access to the genetic resources of other countries and how the benefits from research and development using these resources are shared with the provider country.
DEFRA	Environmental quality - marine environment	x	x	x	Rules relating to management and protection of, but not limited to, marine pollution, litter, biodiversity, food webs and seafloor integrity.
DEFRA	Environmental quality - natural environment and biodiversity	x*	x*	x*	Policies and common standards covering the conservation of the UK's terrestrial, freshwater and marine species and habitats in compliance with international obligations, including the Birds and Habitats Directives, particularly the network of sites which currently form part of the EU's Natura 2000 (N2K) network.
DEFRA	Environmental quality - spatial data infrastructure standards	x	x	x	EU INSPIRE regulations that ensure a harmonised approach to spatial data publishing to improve environmental reporting.
DEFRA	Environmental quality - waste management	x	x	x	Policies and regulations covering waste and its recovery/recycling (Landfill Directive, Waste Framework Directive) including producer responsibility (reuse/recovery/recycling targets under Waste Electrical and Electronic Equipment Directive, Batteries Directive, End of Life Vehicles Directive and Packaging Directive). Also covering the shipment of waste.
GEO	Equal treatment legislation	x*	x*	x*	Directives that: implement the principle of equal treatment between persons irrespective of racial or ethnic origin (2000/43/EC); establish a general framework for equal treatment in employment and occupation, prohibiting discrimination because of age, disability and sexual orientation (2000/78/EC); implement the principle of equal treatment between men and women in the access to and supply of goods and services, and in matters of employment and occupation (2004/113/EC and 2006/54/EC). Also relevant in this context is Article 157 of the Treaty on the Functioning of the EU.
DHSC	Good laboratory practice	x*	x*	x*	Directives relating to the inspection and verification of good laboratory practice and harmonising laws, regulations and administrative provisions on good laboratory practice (Directives 2004/9/EC and 2004/10/EC)
HSE	Health and safety at work	x			Directives, including the Health and Safety At Work Framework Directive (89/391/EEC), that require employers to protect the health and safety of their employees. Requirements cover, inter alia, the general layout of workplaces, hazards at work, specific sectors (e.g. construction, mining and onshore and offshore drilling) and work equipment.

BEIS	High efficiency cogeneration / Combined Heat and Power (CHP) [NB - this appears in category 1 for Northern Ireland]		x*		Measures that promote the use of high-efficiency cogeneration (Combined Heat and Power) in order to increase the energy efficiency and improve the security of supply of energy (Energy Efficiency Directive 2012/27/EU).
HSE	Ionising radiation (occupational exposures)	x			Ionising radiations occurs as either electromagnetic rays (such as X-rays and gamma rays) or particles (such as alpha and beta particles). It occurs naturally (e.g. radon gas) and can also be produced artificially. Directive 2013/59/Euratom lays down basic safety standards for protection against exposure to ionising radiation and covers occupational, public and medical exposures.
BEIS	Late payment (commercial transactions)	x*	x		Late Payment Directive (2011/7/EU) designed to protect European businesses against late payment in commercial transactions.
DHSC	Medicinal products for human use	x			Directives and Regulations that relate to medicinal products for human use and, inter alia, lay down procedures for the marketing authorisation, supervision and pharmacovigilance of these products.
DHSC	Medicine prices	x			Directive 89/105/EEC relating to the transparency of measures regulating the pricing of medicinal products for human use and their inclusion in national health insurance systems.
MoJ	Mutual recognition of criminal court judgments measures and cross border cooperation	x	x		<p>Mutual Recognition of Financial Penalties (MRFP) (2005/214) provides for Member States to recognise and enforce financial penalties (of over 70 euros) issued by judicial or administrative authorities of another Member State, in which the person required to pay the fine is normally resident or has property or income. It covers criminal financial penalties including those imposed for road traffic offences.</p> <p>The Criminal European Protection Order (2011/99) allows individuals, including domestic violence victims, to have the terms of certain protection measures that are issued in one Member State recognised and, if necessary, enforced in any other EU Member State.</p> <p>Prisoner Transfer Framework Decision (PTFD) (2008/909) is the principal mechanism for transferring prisoners between EU Member States. It provides for transfer without the consent of the prisoner (where he or she is subject to a deportation order), and unlike other international transfer agreements, it places an obligation on a Member State to accept back its nationals.</p> <p>European Supervision Order (ESO) (2009/829) establishes a legal framework that enables the court in a Member State which is prosecuting a suspect for a crime committed there to allow the suspect to go to another (usually their 'home') Member State to await trial, and for the "home" country to assume responsibility for supervising compliance with conditions of that bail.</p> <p>Victims Compensation Directive (2004/80) requires Member States to set up a system of cooperation to facilitate access to compensation to victims of crimes in cross-border situations, which should operate on the basis of Member States' schemes on</p>

					compensation to victims of violent intentional crime, committed in their respective territories.
DHSC	Organs	x	x	x	Directives setting out standards on the quality and safety of human organs intended for transplantation and laying down the information procedures for exchange between Member States (Directives 2010/53/EU and 2012/25/EU).
HO	Police and criminal justice cooperation - accreditation of Forensic Service Providers (FSP) and mutual recognition of results of FSPs - Prüm Framework	x*	x*		Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities, requires Member States to ensure that FSPs undertaking laboratory activities in relation to DNA and fingerprints are accredited to international standard EN ISO/IEC 17025. Member States must also ensure that national authorities recognise the results of accredited FSPs in other MS as equally reliable as the results of domestic FSPs.
HO	Police and criminal justice cooperation - agencies - CEPOL	x*	x*		Council Decision 2005/681/JHA establishing the European Police College (CEPOL) - a European agency that brings together a network of training institutes for law enforcement officials and supports them in frontline training on security priorities, law enforcement cooperation and information exchange.
HO	Police and criminal justice cooperation - agencies - EU-LISA	x*	x*		Regulation 1077/2011/EU establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (EU-LISA) - the European Agency responsible for the operational management of large-scale IT systems in the area of freedom, security and justice, including EURODAC, SIS II and the Visa Information System.
HO	Police and criminal justice cooperation - agencies - Eurojust	x*	x*		Council Decision 2002/187/JHA (as amended) setting up Eurojust with a view to reinforcing the fight against serious crime - the EU's judicial cooperation agency, which supports Member States' investigation and prosecution agencies in tackling serious cross-border and organised crime. Eurojust helps prevent and resolve conflicts of jurisdiction and facilitates the execution of mutual legal assistance and mutual recognition instruments, such as the European Arrest Warrant (EAW). It also provides funding, technical support and legal expertise on the requirements of different legal systems.
HO	Police and criminal justice cooperation - agencies - Europol	x*	x*		Regulation 2016/794/EU on the European Union Agency for Law Enforcement Cooperation (Europol) - an EU agency that assists Member States' law enforcement agencies in tackling cross-border crime by supporting practical cooperation for cross-border investigations; holding central databases with information on suspected criminals and objects associated with crime; and providing analytical support to make links between crimes committed in different countries.
HO	Police and criminal justice Cooperation - data sharing - European Criminal Records Information System (ECRIS)	x*	x*		Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from the criminal record between Member States and Council Decision 2009/316/JHA on the establishment of the European Criminal Records Information System (ECRIS) - a secure electronic system providing for the exchange of information between Member States' authorities in relation to criminal records. It also places requirements on Member States to hold the criminal records of their nationals for offences committed across the EU.

HO	Police and criminal justice cooperation - data sharing - False and Authentic Documents Online (FADO)	x*	x*		Joint Action 98/700/JHA establishing the European Image Archiving System, also known as False and Authentic Documents Online (FADO) is an EU database that facilitates the exchange of information between document experts in Member States on genuine and false identity documents, visas and border officer stamps used across the EU.
HO	Police and criminal justice cooperation - data sharing - passenger name records	x*	x*		Directive 2016/681/EU creates a common legal basis for Member States to process passenger name record (PNR) data in order to prevent, detect, investigate and prosecute terrorist offences and serious criminal offences. PNR data is personal information provided by passengers and collected and held by airlines. It includes the name of the passenger, travel dates, itineraries, seats, baggage, contact details and means of payment. It can be used by law enforcement authorities in different countries to identify criminal and terrorist movements.
HO	Police and criminal justice cooperation - data sharing - Prüm framework	x*	x*		Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and Council Decision 2008/616/JHA on implementation of 2008/615/JHA created 'Prüm', which is both a legal framework requiring Member States to allow the reciprocal searching of each other's databases for DNA profiles, vehicle registration data and fingerprint (or dactyloscopic) data, and a legal basis for joint operations relating to police cooperation. There is also a communications network enabling exchange of the forms of data set out above.
HO	Police and criminal justice cooperation - data sharing - Schengen Information System (SIS II)	x*	x*		Council Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System ('SIS II') (and see also Council Implementing Decision 2015/215) - a system providing law enforcement 'alerts', including on wanted or suspected criminals, suspected terrorists, missing people, and stolen or missing property. SIS II is a 'Schengen' measure. Whilst the UK is not part of the Schengen border-free zone, we have agreed access to SIS II for law enforcement purposes.
HO	Police and criminal justice cooperation - minimum standards legislation - cybercrime	x*	x*		Directive 2013/40/EU establishes common minimum standards for the definition of criminal offences and sanctions in the area of attacks against information systems. This measure also aims to facilitate the prevention of cybercrime and to improve cooperation between judicial and other competent authorities.
HO	Police and criminal justice cooperation - minimum standards legislation - human trafficking	x*	x*		Directive 2011/36/EU establishes common minimum standards for the definition of criminal offences and sanctions in the area of trafficking in human beings. This measure also introduces common provisions on the prevention of human trafficking and the protection of victims of human trafficking.
HO	Police and criminal justice cooperation - practical cooperation - asset recovery offices	x*	x*		Council Decision 2007/845/JHA concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or property related to, crime. AROs are national central contact points that facilitate EU-wide identification and tracing of assets derived from crime. The UK's ARO is housed within the UK Financial Intelligence Unit, in the National Crime Agency.
HO	Police and criminal justice cooperation - practical cooperation	x*	x*		Council Decision 2000/375/JHA sets common rules requiring all Member States to set up 24 hour contact points to receive and act on intelligence related to child pornography or indecent images of children.

	- basic cooperation legislation on child sexual exploitation				
HO	Police and criminal justice cooperation - practical cooperation - Convention Implementing the Schengen Agreement (law enforcement cooperation)	x*	x*		The law enforcement cooperation provisions of the Convention implementing the Schengen Agreement aim to tackle the threat of cross-border crime within the Schengen Area by facilitating police cooperation and cross-border surveillance. In particular, Article 40 provides that law enforcement in one Member State who have a suspect under surveillance can continue their surveillance of that suspect in the territory of another Member State as long as the latter has authorised it. Member States can also request for other Member States to undertake the surveillance of a suspect on their behalf.
HO	Police and criminal justice cooperation - practical cooperation - cooperation on football disorder	x*	x*		Council Decision 2002/348/JHA that sets up National Football Information Points in each Member State. These Information Points share information and intelligence for facilitating international police cooperation in connection with international football matches.
HO	Police and criminal justice cooperation - practical cooperation - European Investigation Order	x*	x*		The European Investigation Order Directive (2014/41/EU) aims to make judicial cooperation in assisting in the investigation and prosecution of criminal offences on investigations between EU Member States faster and more efficient. The new measure standardises requests made between EU Member States for information and evidence, allows for there to be mutual recognition of judicial decisions from other Member States and sets deadlines for recognising and executing requests.
HO	Police and criminal justice cooperation - practical cooperation - European Judicial Network	x*	x*		Council Decision 2008/976/JHA on the European Judicial Network aims to facilitate judicial cooperation by establishing a network of Contact Points in Member States who are experts in matters such as Mutual Legal Assistance. These Contact Points assist with establishing direct contacts between competent authorities and by providing legal and practical information necessary to prepare an effective request for judicial cooperation or to improve cooperation more generally.
HO	Police and criminal justice cooperation - practical cooperation - Joint Action on Organised Crime	x*	x*		Joint Action 97/827/JHA establishes a peer-evaluation mechanism that enables Member States to evaluate each other on the application and implementation of instruments designed to combat international organised crime.
HO	Police and criminal justice cooperation - practical cooperation - joint investigation teams	x*	x*		Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams. A JIT is an investigation team set up for a specific purpose and a fixed period, which can be extended, between two or more parties (at least two of which must be a competent authority of an EU Member State) to investigate a specific matter or type of crime.
HO	Police and criminal justice cooperation - practical cooperation - mutual legal assistance	x*	x*		The Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (EU MLAC) encourages and facilitates mutual assistance between the judicial, police and customs authorities of Member States on criminal matters.
HO	Police and criminal justice cooperation - practical cooperation - mutual recognition of asset freezing orders	x*	x*		Council Framework Decision 2003/577/JHA covers the mutual recognition and execution in one Member State of orders freezing property and evidence that were issued in another Member State.

HO	Police and criminal justice cooperation - practical cooperation - mutual recognition of confiscation orders	x*	x*		Council Framework Decision 2006/783/JHA facilitates the mutual recognition and execution in one Member State of confiscation orders issued in another Member State.
HO	Police and criminal justice cooperation - practical cooperation - Swedish initiative	x*	x*		Council Framework Decision 2006/960/JHA (the 'Swedish Initiative'), simplifies the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. The Initiative sets out rules for the cross-border exchanges of criminal information and intelligence, ensuring time-bound procedures for cross-border data exchanges.
MoJ	Procedural rights (criminal cases) – minimum standards measures	x	x		The Right to Information in Criminal Proceedings Directive (2002/13) sets common minimum standards for information to be provided to people suspected or accused of having committed a criminal offence. The Interpretation and Translation Directive (2010/64) sets common minimum standards on interpretation and translation in criminal proceedings throughout the EU.
MoJ	Provision of legal services (temporary and permanent basis)	x	x		Lawyers Establishment Directive (98/5) provides the framework for permanent establishment of lawyers from one EU member state in another, under home or host state title. Lawyers Services Directive (77/249) provides the framework for temporary provision of legal services under home state title (including fly-in/fly-out). (Both Directives apply only to specified titles. In the UK, these are solicitor, barrister, advocate.)
DHSC	Public health (serious cross-border threats to health) (notification system for pandemic flu, Zika etc)	x*	x*	x*	Decision No 1082/2013/EU on serious cross-border threats to health. This sets rules on epidemiological surveillance, monitoring, early warning of, and combating serious cross-border threats to health, including preparedness and response planning related to those activities, in order to coordinate and complement national policies. It aims to support cooperation and coordination between Member States.
BEIS	Radioactive waste treatment and disposal	x*	x*	x*	Directive establishing a framework for responsible and safe management of spent fuel and radioactive waste, both for current workers and the general public, and to avoid imposing burdens on future generations.
DfT	Rail franchising rules [NB - this appears in category 1 for Northern Ireland]		x	x*	Regulation (EC) 1370/2007 as amended by 2016/2338 relating to the way in which competent authorities are able to award public passenger services contracts.
DfT	Rail technical standards (Interoperability)	x			Directive 2008/57/EC establishing interoperability requirements for rail systems (which will be replaced by Directive 2016/797 technical pillar of 4th railway package - soft transposition deadline June 2019, hard transposition deadline June 2020) insofar of the reservation at paragraph 38 of Schedule 3 to the Northern Ireland Act 1998 does not apply.

BEIS	Recognition of insolvency proceedings in EU Member States	x	x*		Regulation 2015/848 on Insolvency Proceedings focusses on resolving conflicts of jurisdiction and laws in cross-border insolvencies, providing rules to determine which EU states' courts have jurisdiction to open insolvency proceedings, ensuring that those proceedings and their effects are recognised throughout the EU, and coordinating between proceedings in different member states. This Regulation recasts and supersedes an earlier instrument, Regulation 1346/2000.
HO	Regulatory systems - Firearms - deactivation standards and techniques	x*			Regulation 2015/2403/EU establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable.
HO	Regulatory systems - firearms - illicit manufacturing and trafficking	x*			Council Decision 2014/164/EU approving Article 10 of the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Counterparts and Ammunition; and Regulation 258/2012/EU implementing that protocol by laying down rules governing export authorisation, and import and transmit measures for firearms, their parts and essential components and ammunition.
HO	Regulatory systems - minimum standards legislation - the protection of animals used for scientific purposes	x			Directive 2010/63/EU implementing common minimum standards for the protection of animals used for experimental and scientific purposes. This is implemented through the use of risk-based inspections and increased transparency. Sets out a licencing regime covering establishments, people, and projects using animals in science and broader principles of animal welfare.
HO	Regulatory systems - firearms - control on acquisition and possession of weapons	x*			Directive 91/477/EEC, as amended by Directives 2008/51/EC and EU/2017/853, on the control of the acquisition and possession of weapons, setting out certain minimum standards for the circulation of firearms within the EU.
DfT	Roads - intelligent transport systems	x	x	x	Regulations made under Directive 2010/40. This includes Regulation 305/2013 on harmonised provision for eCall, Regulation 885/2013 on provision of information services for safe and secure parking places for trucks and commercial vehicles and Regulation 886/2013 on data and procedures.
DfT	Roads - motor insurance (minimum required levels of insurance and various compensation schemes, not insurance, financial and prudential regulation, which is reserved)	x			Directive relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability.
DfT	Roads – mutual recognition of qualifications (but not CPC)	x			Directive 2005/36/EC on the recognition of professional qualifications.
DfT	Roads – safety specifications	x			Directive 91/671/EEC on the compulsory use of safety belts in vehicles of less than 3.5 tonnes (amended by 2003/20/EC).
BEIS	Security of supply (gas)	x			Regulations concerning the security of gas supply, preventing potential supply disruptions and helping to respond to them if they happen, The regulations create common standards

					to measure serious threats and define how much gas is needed to be able to supply to households and other vulnerable consumers.
MoJ	Sentencing - taking convictions into account	x	x		Framework Decision on taking convictions into account (2008/675) requires the national criminal courts of all Member States to take account of a defendant's known previous convictions in other Member States to the extent previous national convictions are taken into account.
BEIS	Specified quantities and packaged goods legislation	x*			EU law that sets the rules for quantity control, quantity labelling and specified quantities for packaged goods.
Cabinet Office	Statistics	x*	x*	x*	A wide range of regulations are relevant here that require the devolved administrations to produce particular statistics to a common, harmonised standard.
MHCLG	Strategic Environmental Assessment (SEA) Directive	x	x	x	The Strategic Environmental Assessment (SEA) Directive on the assessment of the effects of certain plans and programmes on the environment.
DHSC	Tissues and cells (apart from embryos and gametes)	x	x	x	Directives setting out standards on the quality and safety of human tissues and cells intended for human application as part of medical treatment.
DfT	Transporting Dangerous Goods by Rail, Road and Inland Waterway Directive	x			Directive covering the carriage of dangerous goods and use of transportable pressure equipment by road, rail and inland waterway.
DfT	Vehicle registration (roads)	x			Directives and Regulations on the harmonisation of registration documents for vehicles (including 2014/46).
MoJ	Victims' rights measures in criminal cases – minimum standards (Victims' Rights Directive)	x	x		Victims' Rights Directive (2012/99) sets common minimum standards on the rights, support and protection afforded to the victims of crime across all Member States.

24 policy areas that are subject to more detailed discussion to explore whether legislative common framework arrangements might be needed, in whole or in part

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
DEFRA	Agricultural support	x	x	x	Policies and Regulations under the EU Common Agricultural Policy covering Pillar 1 (income and market support); Pillar 2 (rural growth, agri-environment, agricultural productivity grants or services and organic conversion and maintenance grants); and cross-cutting issues, including cross compliance, finance & controls.
DEFRA	Agriculture - fertiliser regulations	x	x	x	Regulations providing common standards for compositional ingredients, labelling, packaging, sampling and analysis of fertilisers. The UK is also signed up to a number of international agreements (e.g. the Gothenburg Protocol) and EU agreements (the National Ceilings Directive) related to fertiliser regulation.
DEFRA	Agriculture - GMO marketing and cultivation	x	x	x	Standards for marketing and cultivation of genetically modified organisms.
DEFRA	Agriculture - organic farming	x	x	x	Regulations setting out standards for organic production certification.
DEFRA	Agriculture - zootech	x	x	x	EU legislation providing a common framework of rules on breeding and trade in pedigree animals and germinal products in the EU and the treatment of imports from 3rd countries. Each of the UK regions has competent authorities in their areas for recognition of breed societies under this legislation.
DEFRA	Animal health and traceability	x	x	x	EU rules and standards that aim to maintain animal health and allow their movement, including policies covering: prevention of disease (entering UK), control of disease (endemic and exotic), surveillance (for exotic disease) movement of livestock, pet passports and veterinary medicines.
DEFRA	Animal welfare	x	x	x	EU rules relating to aspects of animal welfare including on-farm issues, movement of livestock and slaughter.
HSE and DEFRA	Chemicals regulation (including pesticides)	x*	x*	x*	EU regulations on the classification, labelling and packaging of substances and mixtures (CLP); the placing on the market and use of biocidal products (e.g. rodenticides); the export and import of hazardous chemicals; the registration, evaluation, authorisation and restriction of chemicals (REACH); and plant protection products (e.g. pesticides).
DHSC	Elements of reciprocal healthcare	x*	x*	x*	Regulations 1408/71 and 883/2004 are the main pieces of EU legislation providing for reciprocal healthcare.
DEFRA	Environmental quality - chemicals	x*	x*	x*	Regulation of the manufacture, authorisation and sale and use of chemical products primarily through the REACH regulation but also including: Persistent Organic Pollutants (POPs),

					Polychlorinated Biphenyls (PCBs) and Minamata.
DEFRA	Environmental quality - ozone depleting substances and F-gases	x	x	x	The UK has international obligations under the Montreal Protocol to phase out the use of ODS, phase down hydrofluorocarbons by 85% by 2036, licence imports and exports and report on usage to the UN. EU Regulations and institutions currently deliver these obligations through quota restrictions, licencing and reporting requirements. The EU Regulations also go further with product bans, leakage controls measures and certification requirements for technicians.
DEFRA	Environmental quality - pesticides	x	x	x	Regulations governing the authorisation and use of pesticide products and the maximum residue levels in food, and a framework for action on sustainable use of pesticides.
DEFRA	Environmental quality - waste packaging and product regulations	x	x	x	Policies and Regulations that aim to meet certain essential product requirements and set product standards including for packaging (e.g. ROHS in Electrical and Electronic Equipment, Batteries and Vehicles) in order to manage waste.
DEFRA	Fisheries management & support	x	x	x	Policies and Regulations relating to rules relating to the sustainability of fisheries (quotas), access to waters, conservation measures, enforcement and financial support.
Food Standards Agency	Food and feed safety and hygiene law (food and feed safety and hygiene law, and the controls that verify compliance with food and feed law (official controls)	x	x	x	EU regulations laying down the general principles and requirements of food and feed safety and hygiene; food and feed law enforcement (official controls); food safety labelling; risk analysis; and incident handling. The regulations set out an overarching and coherent framework for the development of food and feed legislation and lay down general principles, requirements and procedures that underpin decision making in matters of food and feed safety, covering all stages of food and feed production and distribution.
DEFRA	Food compositional standards	x	x	x	Minimum standards for a range of specific food commodities such as sugars, coffee, honey, caseins, condensed milk, chocolate, jams, fruit juices and bottled water.
DEFRA	Food labelling	x	x	x	Regulations setting out requirements on provision of information to consumers on food labels.
MHCLG	Hazardous substances planning	x	x	x	Elements of the Seveso III Directive relate to land-use planning, including: planning controls relating to the storage of hazardous substances and handling development proposals for hazardous establishments.
BEIS	Implementation of EU Emissions Trading System	x	x	x	Directives 2003/87/EC establishes the European Union Emissions Trading Scheme for greenhouse gas. The Scheme sets a maximum amount of greenhouse gas that can be emitted by all participating installations and aircrafts; these operators then monitor, verify and report their emissions, and must surrender allowances equivalent to their emissions annually. Allowances are issued either by being sold at auction or allocated for free to some operators, and can be traded, with the price determined by the market.

BEIS (DHSC, MHCLG, DEFRA, DfE and MoJ also have interest)	Mutual recognition of professional qualifications (MRPQ)	x*	x*	x*	Directives that create systems for the recognition for professional qualifications and professional experience throughout the EU. Allowing EU professionals to work in regulated professions in other EU states on either a permanent or temporary basis.
DHSC	Nutrition health claims, composition and labelling	x	x	x	Including Regulations and Directives on the nutrition and health claims made on food; food for special medical purposes and weight control; food intended for infants; the addition of vitamins and other substances to food; and food supplements.
DEFRA	Plant health, seeds and propagating material	x	x	x	Requirements in relation to the import and internal EU movement of plants and plant products, risk assessment of new plant pests and outbreak management. Assurance and auditing of policies across the UK to protect plant biosecurity. Requirements for plant variety rights, registration of plant varieties and quality assurance of marketed seed and propagating material.
Cabinet Office	Public procurement	x*	x*	x*	The regime provided by the EU procurement Directives, covering public procurement contracts for supplies, services, works and concessions above certain financial thresholds awarded by the public sector and by utilities operating in the energy, water, transport and postal services sectors (Directives 2014/24/EU, 2014/25/EU and 2014/23/EU).
BEIS	Services Directive	x*	x*	x*	Directive that seeks to realise the full potential of services markets in Europe by removing legal and administrative barriers to trade by increasing transparency and making it easier for businesses and consumers to provide or use services in the EU Single Market.

12 policy areas that the UK Government believes are reserved (or excepted in the Northern Ireland Act 1998), but are subject to ongoing discussion with the devolved administrations

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
BEIS	Ecodesign and energy labelling				The Ecodesign Directive and Energy Labelling Framework Regulation define conditions and criteria for setting performance and energy information requirements for environmentally relevant product characteristics (such as energy efficiency) through product-specific EU regulations, e.g. Regulation 1062/2010 Energy labelling of Televisions.
BEIS	Elements of product safety and standards relating to explosive atmospheres				ATEX covers equipment and protective systems intended for use in explosive atmospheres, safety devices and components for such equipment.
DCMS	Elements of the Network and Information Security (NIS) Directive				The Security of Network and Information Systems (NIS) Directive requires operators of essential services (energy, water, health, transport and digital infrastructure) and digital service providers to take certain steps in respect of their cyber security, including notification of certain incidents, with the aim to increase the cyber security of member states across the EU and help citizens and businesses stay safe online.
DEFRA	Environmental quality - international timber trade (EUTR and FLEGT)				Regulations (EUTR and FLEGT) prohibiting the placing of illegal timber and timber products on the EU market and allowing for licences to be issued by partner countries that have Voluntary Partnership Agreements under the FLEGT Regulations.
HO	Data sharing - Eurodac				Regulation 603/2013/EU established Eurodac - an EU database containing fingerprints of illegal entrants and asylum applicants. Its primary purpose is to support the effective application of the Dublin Convention by helping to determine which EU Member State is responsible for examining an asylum application
DEFRA	Food Geographical Indications (protected food names)				Geographical Indications (GIs) are a form of intellectual property protection. Under the EU schemes, producers can apply to protect regionally distinct or traditional agri-food products. Once registered, these products are protected throughout the EU against imitation or misuse of their names.
DHSC	Medical devices				Directives and Regulations create a regulatory framework for medical devices ensuring the smooth functioning of the internal market and setting safety and quality standards to protect patients and users.

DWP	Migrant access to benefits				The UK remains free in principle to determine what benefits are available to those living here, including entitlement conditions and the level at which benefits are paid. However, this is currently subject to EU law on free movement of workers (and others) and residence rights. Broadly speaking, EU law requires EU migrants and their family members to be treated equally with UK nationals.
DCMS	Provision in the 1995 Data Protection Directive (soon to be replaced by the General Data Protection Regulation) that allows for more than one supervisory authority in each member state				The Data Protection Directive 1995 specifies that a Member State must have one or more public authority responsible for monitoring the application within its territory of the provisions adopted in this Directive. This has been copied across in the General Data Protection Regulation stating that Member States shall provide for one or more independent public authorities to be responsible for monitoring the application of this Regulation.
BEIS	Radioactive source notifications and transfrontier shipments of radioactive waste				Regulation to ensure that shipments of radioactive sources between Member States are controlled and documented, using a prior declaration system for the safe storage, use and disposal of these radioactive sources (Commission Regulation (Euratom) No. 1493/93).
BEIS	State aid				Articles 107 - 109 of TFEU and associated Treaty articles, Regulations and EU legislation prohibit State aid by Member States and create a framework for assessing compatibility of aid with the internal market, investigating and making complaints about allegedly unlawful aid and creating exemptions for certain categories of aid.
DfT	Vehicle standards - various type approval Directives (roads)				Directives and regulations setting standards for vehicles and components on the road (2007/46/EC), including rules for agricultural vehicles (167/2013), motorcycles (168/2013), non-road mobile machinery (2016/1628), emissions targets for different types of vehicle, and tyre labelling (1222/2009) insofar of the reservation at paragraph 38 of Schedule 3 to the Northern Ireland Act 1998 does not apply.